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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD VELOZ,

No. C 12-06309 WHA

Plaintiff,

v.

PACIFIC GAS AND ELECTRIC  
COMPANY and IBEW LOCAL 1245,

**OPPORTUNITY FOR  
RESPONSE RE FMLA**

Defendants.

The undersigned judge is tentatively of the view that plaintiff never timely raised the Family Medical Leave Act (FMLA) issue. This may be sandbagging on the eve of trial. On April 24, 2014, defendant PG&E filed a reply objecting to this new theory. Plaintiff has not requested a sur-reply.

Nevertheless, the Court would like to give plaintiff an additional opportunity to respond in advance of the May 7 hearing. By **NOON ON MAY 6**, plaintiff may file a response not to exceed ten pages. By **NOON ON MAY 6**, defendants may file a response (not to exceed three pages) to plaintiff's untimely opposition to PG&E's motion *in limine* number 1 to exclude evidence and argument regarding claims not pleaded or exhausted by plaintiff.

**IT IS SO ORDERED.**

Dated: May 2, 2014.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE